

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALICIA VELASQUEZ, et al.,	:	
Plaintiffs,	:	
	:	20 Civ. 4208 (LGS)
-against-	:	
	:	<u>ORDER</u>
LITIES CORP., et al.,	:	
Defendants,	:	
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WHEREAS, on March 5, 2021, a telephonic conference was held to discuss the status of this case as well as Defendants' non-compliance with the Order at Dkt. No. 51. *See* Dkt. No. 60.

WHEREAS, counsel Yuezhu Liu for Plaintiffs and counsel Samuel Viruet for Defendants Estrada and Doe appeared. Counsel Angel Cruz for Corporate Defendant Karikan Donut Corp. and Defendant Polygerinos did not appear.

WHEREAS, the statuses of three matters were discussed at the conference: (1) mediation; (2) notice for potential opt-in Plaintiffs; and (3) Defendants compliance with the Order at Dkt. No. 51 which requires, among other things, Defendants to provide Plaintiffs with a computer readable list with the contact information for potential opt-in Plaintiffs.

WHEREAS, the Court was informed that counsel Liu and counsel Viruet, but not counsel Cruz, have provided their availability for mediation to the Court-annexed Mediation Program.

WHEREAS, counsel Liu informed the Court that notice has not been sent to the collective or posted at Defendants' restaurant. Counsel Liu also informed the Court that Plaintiffs are willing, at this point, to proceed solely with notice through mail and email as opposed to via publication and social media.

WHEREAS, counsel Viruet stated that Defendant Rivera, an accountant, was responsible for payroll, salary, and other bookkeeping for employees of Corporate Defendant Lities Corp. and is the only person who has wage and hour information as well as a list of employees with contact information.

WHEREAS, Defendant Rivera has not appeared. It is hereby

ORDERED that, as soon as is practicable, but no later than **March 29, 2021**, counsel Cruz shall provide the mediation office with written notice of his available dates to participate in the mediation, and shall file a copy of the notice on ECF. It is further

ORDERED that the parties shall participate in mediation in good faith and shall explore the possibility of resolving the case on behalf of at least the Named Plaintiffs. If the parties are unable to complete mediation by April 5, 2021 as previously ordered (*see* Dkt. No. 57), they shall seek an extension from the Court. It is further

ORDERED that, by **April 2, 2021**, Plaintiffs shall provide notice to members of the collective for whom they have names and contact information, with an opt-in period of 45 days (rather than the 60 days previously ordered). By **May 17, 2021**, Plaintiffs shall file a letter on ECF identifying any additional Plaintiffs who have consented to join the collective. If so, the Court will extend discovery for opt-in Plaintiffs to June 16, 2021. A Fourth Amended CMP reflecting this Order will issue separately. It is further

ORDERED that, by **April 2, 2021**, Defendants shall post a notice of the collective and make available consent to join forms in a conspicuous location at Defendants' restaurant. By **April 2, 2021**, Defendants shall file a letter confirming that they have done so. It is further

ORDERED that, by **April 2, 2021**, Corporate Defendant Karikan Donut Corp. and Defendant Polygerinos shall provide to Plaintiffs a list (if possible, in computer readable form) naming potential members of the collective, in compliance with the Order at Dkt. No. 51 and shall file a letter on ECF confirming that they have done so, or explaining why they are unable to do so and identifying who would be able to do so. It is further

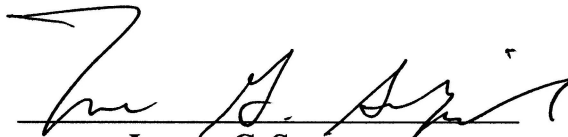
ORDERED that, by **April 2, 2021**, counsel Viruet shall file a letter on ECF and attach to that letter a third-party subpoena issued to Defendant Rivera for the records relevant to this case, including wage and hour information and potential members of the collective with contact information, which the Court will so order.

ORDERED that, by **April 6, 2021**, counsels Liu, Viruet and Cruz shall file a letter reporting on the status of the above.

ORDERED that Plaintiffs' letter requesting leave to issue supplemental notice via social media and newspaper publication is **DENIED** as moot.

The parties are advised that failure to comply with Court Orders may result in sanctions.

Dated: March 25, 2021
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE